REMARKS

Claims 1-30 and 40-82 were previously withdrawn from consideration by earlier response to a restriction requirement. Claims 31-39 are currently under examination and have been rejected by the present Office Action. By the present Amendment, independent claim 31 is amended to clarify that a first scoring model is selected "...from a plurality of scoring models...". (Emphasis supplied). Additionally, claim 31 is amended to clarify a second scoring model: "...a second scoring model ~~that is~~ different ~~than~~ from the first scoring, and wherein the second scoring model is selected from the plurality of scoring models, via a processor, based at least in part on a post-score rule." (Emphasis supplied). Dependent claims 33 and 36 have been amended accordingly. The amendments are believed to be fully supported by the Applicant's specification. After entry of the present amendment, Claims 31-39 remain pending in the application. Reconsideration of the application in view of the present amendment and following remarks is respectfully requested.

Claim Rejections Under 35 U.S.C. § 102

Claims 31-39 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,679,940 to Templeton et al. (henceforth, "*Templeton*"). The Office Action cites *Templeton* col. 14, lines 20-27 in the rejection of the second scoring model in the 2nd element of claim 31: The Office Action appears to be confusing the difference between **different input** to a risk scoring model vs. a **different risk scoring model**. The cited reference fails to teach or suggest this element for at least the following reasons: *Templeton* relates to only a single risk scoring model at the terminal or at the host authorization system that scores risk based on predetermined input, and that only one model or algorithm is utilized for performing risk scoring. For example, the *Templeton* abstract states: "The host computer applies a risk scoring algorithm to the data to determine whether the transaction should be approved, declined, or whether additional information is needed." (Emphasis added). Furthermore, "The authorization host computer then receives a second transaction packet that includes the additional information, and applies the risk scoring algorithm to at least a portion of the additional information, which results in a second transaction score." *Templeton* col. 5, lines 23-28 (emphasis added). "The scoring algorithm is

designed to consider a predetermined group of the available variables and apply predetermined weights to those variables in order to assess the risk associated with the check." *Templeton*, col. 19, lines 11-15 (emphasis added).

Templeton (col. 29 lines 63-65) further indicates that there is no disclosure of a second scoring model because the scoring is re-processed: "The authorization host computer then re-processes the transaction using all of the available information." (Emphasis added). Therefore, if the transaction information remained unchanged between the first and subsequent risk scoring processes, the risk score, using the method of *Templeton* would remain unchanged. Furthermore, any further risk scoring using the processes of *Templeton* may be dependent upon new or additional information from the merchant (col. 14, lines 20-27), and is therefore, dependent upon a change in the input information in order to produce a change in the risk score.

In contrast, the claimed invention of amended claim 31 can include the elements "determining based at least in part on the first risk score, whether to determine a second risk score with a second scoring model that is different than the first scoring model, and wherein the second scoring model is selected from a plurality of models, via a processor, based at least in part on a plurality of rules." (Emphasis added). Unlike *Templeton*, the claimed invention of claim 31 can selectively determine at least two different risk scores, even with similar or identical input transaction information, by utilizing the different risk scoring models.

The amendment reciting: "selecting, via a processor, a first scoring model from a plurality of scoring models for determining a first risk score for a financial transaction" (emphasis supplied) is supported in the Applicant's specification, and at least in Figures 1, 2, 3, 4, and 6. For example, page 3, second paragraph states: "Determining the initial risk score comprises invoking a first scoring model from a plurality of scoring models." And page 12, last paragraph states: "The risk scoring engine 154 comprises a plurality of scoring models 172a,b,c, etc., with each engine adapted to address a plurality of possible specific transactions so as to permit improved accuracy in determining the risk score.". The amendment reciting: "the second scoring model is selected from a plurality of models, via a processor, based at least in part on a plurality of rules." (emphasis added) is supported in at least Figures 2, 3, 4 and 6, and pages 3, 6, 7, 13, and 19 of the Applicant's specification. For example, page 3, third paragraph states: "Selectively utilizing the second scoring process comprises invoking a second scoring model

from the plurality of scoring models if the check is declined based on the initial risk score. The selected second scoring model calculates the second risk score based on the initial risk score and the transaction data. Selectively utilizing the second scoring process further comprises accessing one or more external databases to obtain additional information if necessary." Page 6, last paragraph states: "The risk engine comprises a plurality of rules that determine the manner in which the financial transaction request is processed." And page 7, fourth paragraph states: "The plurality of rules include post-score rules that are invoked based on the first risk score. The post-score rules are invoked if the transaction is declined due to the first risk score. The risk engine determines, according to the post-score rules, the manner in which the second risk score is obtained. The risk engine selects, according to the post-score rules, the second scoring model based on the first risk score and the transaction data so as to obtain the second risk score. The risk engine also selectively accesses one or more external databases according to the post-score rules to obtain additional information about the transaction."

For at least the above reasons, the cited references do not disclose or suggest each and every element of the amended independent claim 31, and therefore, this claim should be allowable over the cited references. Dependent claims 32-39 are each ultimately dependent from amended claim 31. If independent claim 31 is allowable over the cited references, then the underlying dependent claims should also be allowable.

Claim Rejections Under 35 U.S.C. § 101

Claims 31-39 are rejected under 35 U.S.C. 101 for allegedly failing to tie to another statutory class or transform underlying subject matter. The following amendments made to independent claim 31, are believed to traverse the rejections:

"A computer implemented process… comprising:";

"selecting via a processor, a first scoring model…", and

"the second scoring model is selected, via a processor…"

Support for these amendments can be found in the Applicant's specification, on at least page 8 (first paragraph) and page 17 (paragraphs 3 and 4).

Claim Rejections Under 35 U.S.C. § 112

Claims 31-39 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the inventions. The term "selectively" has been deleted to clarify the selection of the scoring model, rather than the risk score.

The office action also cited the phrase "at least in part" as being "indefinite as it is unclear whether or not the claimed invention would be reproducible without undue experimentation.". Representative for the Assignee respectfully disagrees that "at least in part" is unclear. The phrase, as used in the claims, is a common phrase similar to the standard open-ended term "comprising". The phrase "at least in part", can be found in the claims of many issued patents. For example, the following the issued U.S. Patents use the term "at least in part" in the claims: 5,050,213; 6,185,683; 5,410,598; 5,920,861. U.S. Patent 6,112,181 utilizes the phrase "at least in part" more than 140 time in the claims. Representative for the Assignee respectfully submits that, for at least reasons submitted, the rejection under 35 U.S.C. 112 is traversed.

Objections to the Specification

The Office Action objected to the abstract of the disclosure due to the alleged inclusion of purported merits. A substitute abstract has been provided on page 2 of this response in accordance with 37 C.F.R. 1.121(b). The objection is believed to be traversed.

CONCLUSION

It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029. If the Examiner believes a telephone conversation would facilitate the examination of this application, Applicants invite the Examiner to call the Agent below at any time.

Respectfully submitted,

/Mark Lehi Jones/
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